



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Ms. Tamara Armstrong
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR95-827

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34396.

Travis County (the "county") received an open records request seeking all information related to visits to the requestor's home by a county sheriff officer. You state that the sheriff officer visited the requestor's home after the sheriff's department received a citizen's complaint and after the requestor had filed an affidavit. You state that all but one responsive document has been released to the requestor. You contend that section 552.108 of the Government Code excepts the document not yet released to the requestor from required public disclosure. Specifically, you contend that the release of this one document would unduly interfere with law enforcement or crime prevention by resulting in the intimidation or harassment of a witness. You have submitted for our review a copy of the document you contend may be withheld from the requestor as well as copies of the documents you have already released to the requestor.

Section 552.108 excepts from disclosure:

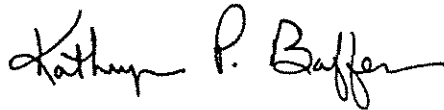
- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021.
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021.

Section 552.108(b) applies to information held by a law enforcement agency if its release "will unduly interfere with law enforcement and crime prevention." Open Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). When claiming this reason for exception, a governmental body must demonstrate how release of the information would unduly interfere with law enforcement and crime prevention unless the records supply this explanation on their face. See Open Records Decision No. 508 (1988) at 4.

After reviewing the document you seek to withhold as well as the documents you have already released to the requestor, we conclude that the document not yet released is excepted from required public disclosure pursuant to section 552.108. The county may withhold this record from the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/KHG/rho

Ref: ID# 34396

Enclosures: Submitted documents

cc: Mr. John Womble, M.D.
8402 Fathom Circle, #102
Austin, Texas 78750
(w/o enclosures)